

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JESSICA DUBUISSON,

*

Plaintiff,

*

v.

Civil Action No. 21-10280-IT

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BOSTON MEDICAL CENTER,

*

Defendant.

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ORDER

March 17, 2021

TALWANI, D.J.

Plaintiff Jessica Dubuisson has filed a *pro se* Complaint [#1], an Application to Proceed in District Court Without Prepaying Fees or Costs [#2], and a Motion to Request a Judge [#4].

In Plaintiff's Motion to Request a Judge, she states that she "would like [her case] to move forward with [Recalled Magistrate Judge] Niedermeier in Federal Court." *Id.* Cases are assigned pursuant to this court's local rules. *See* Local Rule 40.1(assignment of cases). Plaintiff fails to provide a reason for her request and does not argue that this court should be disqualified pursuant to any of the statutes governing disqualification. *See* 28 U.S.C. §§ 47, 144, 455.

Because there is no legal basis for reassignment, Plaintiff's motion is denied.

Under federal law, a person seeking to proceed *in forma pauperis* must submit an affidavit that includes "a statement of all assets such [person] possesses," showing that "the person is unable to pay such [filing] fees or give security therefor." 28 U.S.C. § 1915(a)(1). One does not have to be "absolutely destitute" to proceed *in forma pauperis*. *Adkins v. E.I. DuPont de*

Nemours & Co., 335 U.S. 331, 339 (1948). Rather, the litigant must show she cannot pay the filing fee “and still be able to provide [herself] and dependents with the necessities of life.” *Id.* Here, Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs is incomplete. She failed to answer questions 5, 7 and 8. On this incomplete financial record, the court is unable to determine whether Plaintiff qualifies to proceed *in forma pauperis*.

According, the court hereby orders:

1. Plaintiff’s Motion to Request a Judge [#4] is denied.
2. Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs [#2] is denied without prejudice. If Plaintiff wishes to pursue this action, she must, within 35 days of the date of this order, pay the \$402 filing fee or file a renewed Application to Proceed in District Court Without Prepaying Fees or Costs. Failure to timely comply with this directive will result in dismissal of the action without prejudice. The Clerk shall provide Plaintiff an Application to Proceed in District Court without Prepaying Fees or Costs.

IT IS SO ORDERED.

/s/ Indira Talwani
United States District Judge

March 17, 2021